

Amendments to the Drawings:

The attached set of drawings (7 pages) includes changes to Figures 3 and 4. Changes to Figure 3 address the Examiner's objection to the drawings. The "holes" claimed in claims 5 and 13 have been added as element 54 in Figure 3. No new matter has been added. Figure 4 has been corrected by replacing a duplicate reference numeral "61" with "62". No amendments have been made to the other Figures in this application. Sheets 1 - 7 replace the previously-filed drawings for the above-identified application.

REMARKS

Claims 1-43 are pending. In accordance with the foregoing, claim 9 is amended as supported by paragraph 48 of the originally-filed specification. New claims 44-45 are added and is supported by paragraph 41 of the originally-filed specification. Claims 16-41 are withdrawn from consideration. Claim 6 has been canceled without prejudice or disclaimer of the subject matter contained therein. In the above-referenced Office Action, claims 1-15, 42 and 43 stand rejected. Applicant respectfully traverses the rejections and requests a withdrawal of all rejections as set forth below. Reconsideration of the application is requested.

The U.S.P.T.O. has objected to the drawings. Applicant has corrected the drawings in the Replacement Sheets filed herewith and canceled claim 6, thereby obviating the objection. The specification has been amended in view of the corrected drawings.

Claim 9 stands rejected under 35 U.S.C. 112, second paragraph as being indefinite. In accordance with the foregoing amendments, Applicant has corrected claim 9 and respectfully requests withdrawal of the rejection.

Claims 1-3, 5, 6, 10-13, 42 and 43 stand rejected under 35 U.S.C. 102(b) as being anticipated by Pless (U.S. 5,131,388). As the Examiner is well aware, in order for a reference to anticipate a claim, that reference must teach each element of the properly construed claim. Contrary to the Examiner's assertion, Pless fails to teach, among other things, "a first anode mechanically coupled to ... a first encasement shell" and "a second anode mechanically coupled to ... a second encasement shell". The Examiner indicates Pless teaches "the entire structure sealed in encasement 38." However, the claimed structure requires more than merely sealing an anode within an encasement. Independent claims 1, 11, 43 and new claim 44 each require a first anode coupled to a first encasement shell. Pless' anode plates 32 are clearly shown stacked between cathode plates 34 and paper separators 36 in Figure 2. Since the anode plates

32 are sandwiched between the cathodes and separator, they cannot possibly be mechanically coupled to the polymeric envelope 38 in which the entire planar layered structure is sealed. Furthermore, the notion that the polymeric envelope provides first and second encasement shells is an improper reading of the claim language. Clearly the layered structure sealed within an envelope as taught by Pless does not meet the structural limitation of, among other things, "a first anode mechanically coupled to ... a first encasement shell". For at least this reason, the Applicant respectfully asserts the rejection is improper and should be withdrawn.

Claims 4, 7, 8, 9, 14 and 15 stand variously rejected under 35 U.S.C. 103(a) as being unpatentable over Pless (U.S. 5,131,388) and or in view of Jow (U.S.5,600,535) or Hudis (U.S. 6,687,116). Neither Jow nor Hudis overcome the deficiencies of Pless in teaching, suggesting or implying an anode mechanically coupled to a first encasement shell.

Applicant asserts that the remarks presented herein are fully responsive to the Office Action and are sufficient to overcome the rejections presented in the Office Action. However, there may be other arguments to be made as to why the pending claims are patentable. Applicant does not concede any such arguments by having not presented them herein. Applicant respectfully asserts that the present claims are in condition for allowance. Further, Applicant reserves the right to re-present any originally filed, cancelled, and/or previously unclaimed subject matter in a subsequently filed continuing application without prejudice or disclaimer. Withdrawal of the instant rejections and issuance of a Notice of Allowance is respectfully requested.

Should any issues remain outstanding, the Examiner is urged to telephone the undersigned to expedite prosecution. The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

Date: October 29, 2008

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